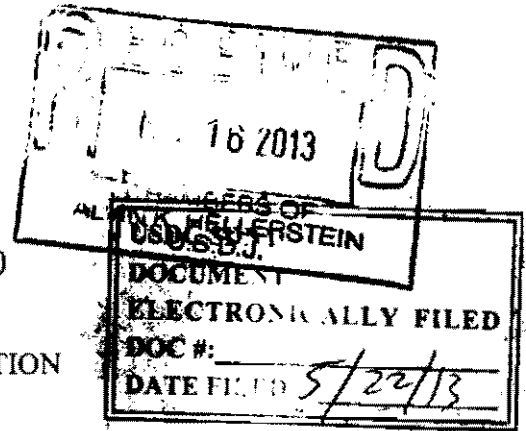


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: LOWER MANHATTAN
DISASTER SITE LITIGATION

21 MC 102 (AKH)
(ALL CASES)

NOTICE OF MOTION



PLEASE TAKE NOTICE that upon the annexed Declaration of Christopher R. LoPalo

dated May 15, 2013, the exhibits annexed thereto and the Plaintiffs' duly served discovery demands, the Plaintiffs will move this Court, before the Honorable Alvin K. Hellerstein, United States District Judge, at the Southern District of New York located at 500 Pearl Street, New York, New York, Room 14-D for an Order, pursuant to Rule 37 of the Federal Rules of Civil Procedure compelling Ellen Davis to appear for a deposition within thirty (30) days and for such other and further relief as this Court deems just and proper.

Dated: New York, New York
May 15, 2013

/s/ Christopher R. LoPalo
Christopher R. LoPalo
Worby Groner Edelman & Napoli Bern, LLP
350 Fifth Avenue, Suite 7413
New York, New York 10118
(212) 267-3700
Attorneys for Plaintiffs

Motion ~~is~~ granted, ~~for~~ ^{pro} ~~the~~ ^{pos} ~~the~~ ^{to} be agreed to.
Def't opposes on the basis of ~~earlier~~ ^{earlier} R. 30(b)(6)
depositions. But there is no reason why plaintiff may not
follow up previous depositions with another. However,
plaintiff may not question the witness, Ellen Davis, on
just previously elicited from other witnesses, unless
def't indicates that it plans to present the witness.
as a witness at trial.

5-22-13

Chris Hellerstein

Judge wrote:

“Motion granted, for a date, place and time to be agreed to. Defendant opposes on the basis of earlier R.30(b)(6) depositions. But there is no reason why plaintiff may not follow up previous depositions with another. However, plaintiff may not question the witness, Ellen Davis, on facts previously elicited from other witnesses, unless defendant indicates that it plans to present the witness as a witness at trial.

5-22-13

Alvin K. Hellerstein”